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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,763	04/13/2001	Hiroshi Isono	109246	3912
25944	7590	02/17/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				
EXAMINER KING, BRADLEY T				
ART UNIT		PAPER NUMBER		
3683				
DATE MAILED: 02/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,763

Applicant(s)

ISONO, HIROSHI

Examiner

Bradley T King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) 3-6, 20 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-36 and 43 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8, 13, 14, 16, 18, 19, 22, 24, 37 and 44 is/are rejected.
- 7) ☒ Claim(s) 9-12, 15, 17 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7-8, 13-14, 16, 18-19, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 197 16 404.

DE 197 16 404 discloses all the limitations of the instant claims including: a master cylinder 1 including a housing and at least two pressurizing pistons (4a, 6a) which are fluid-tightly and slidably fitted in the housing and which cooperate with the housing to define at least two pressurizing chambers (4, 6) which are isolated from each other, and wherein a working fluid in each of the at least two pressurizing chambers is pressurized by an advancing movement of a corresponding one of the at least two pressurizing pistons, a hydraulically operable brake cylinder 3 for activating a brake, and a valve device 12 having a first state 12.2 in which the pressurized fluid is delivered

from the two pressurizing chambers to the brake cylinder, and a second state 12.1 in which the pressurized fluid is delivered from only one of the two chambers to the brake cylinder.

Regarding claim 13, valves 12, 21 or 22 also functions as a cut-off valves.

Regarding claim 22, assisting device 10 functions to boost pressure above that of the master cylinder.

Regarding claim 24, brake pressure control valve device 20 is disposed between the assisting device and the brake cylinder.

Claim 37 is rejected under 35 U.S.C. 102(e) as being anticipated by Oka et al (US#6196641).

Oka et al disclose all the limitations of the instant claim including; a master cylinder which is operatively connected to a manually operable brake operating member and which partially defines a pressurizing chamber; a stroke simulator connected to the pressurizing chamber; a simulator control valve 102 electrically operable to control an operating state of the stroke simulator; and a stroke control device 77 operable to restrict the flow of to the stroke simulator. See column 30, lines 28-32.

Claims 37 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by JP 11-341604.

JP 11-341604 disclose all the limitations of the instant claim including; a master cylinder which is operatively connected to a manually operable brake operating member

and which partially defines a pressurizing chamber; a stroke simulator 15 connected to the pressurizing chamber; a simulator control valve 14 electrically operable to control an operating state of the stroke simulator; and a stroke control device 30 operable to restrict the flow of to the stroke simulator.

Allowable Subject Matter

Claims 25-36 and 42-43 are allowed.

Claims 9-12, 15, 17, 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11/17/03 have been fully considered but they are not persuasive.

Regarding DE 19716404, it is maintained the rejection is proper. In the second valve state, the fluid delivered to the brake cylinder is pressurized by the pump, not the

master cylinder. Therefore "the pressurized fluid" of chamber 6 is not delivered to the brake cylinder.

Regarding Oka et al, see figure 13.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

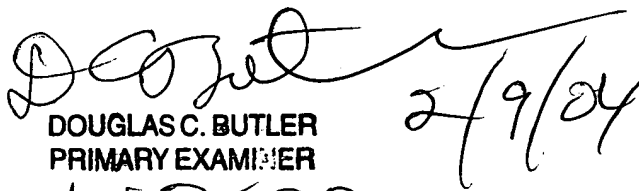
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BTK
February 9, 2004


DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU 3683
2/9/04